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COMMITTEE ON ECONOMIC SOCIAL,
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights:

NEW ZEALAND

1. The Committee considered the initial report of New Zealand, Tokelau and Niue on articles 1-15 of the Covenant (E/1990/5/Add.5, 11 and 12) at its 24th, 25th and 26th meetings on 23 and 24 November 1993 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of New Zealand, for the comprehensive report it submitted in 1990. The Committee regrets that its consideration of the report was deferred for two sessions upon the request of the State party itself. In the interim period from submission of the report to its consideration by the Committee, major changes in policy and legislation in New Zealand had taken effect and their impact on the implementation of the Covenant has rendered obsolete significant parts of the report.

3. The Committee therefore appreciates the additional written information provided by the State party to update its report. The Committee expresses its hope that in future similar circumstances, it would be more productive to receive updated information prior to its dialogue with States parties.

4. The Committee also expresses its appreciation to the representatives of the State party for their considerable efforts to provide detailed information in response to written and oral questions raised by members of the Committee.

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* At the 40th meeting (ninth session), held on 3 December 1993.

B. Positive aspects

5. The Committee welcomes the adoption of the Human Rights Act 1993, consolidating and amending the Race Relations Act 1971 and the Human Rights Commission Act 1977, to provide better protection of human rights in New Zealand in accordance with United Nations Covenants and Conventions on Human Rights.

6. The Committee appreciates the renewal of the mandate of the Human Rights Commission, and the enlargement of the scope of the Human Rights Act 1993. The Committee takes special note in this regard of the innovative recognition of age as a ground covered by the Act.

7. The Committee notes with satisfaction the enactment of the Health and Safety in Employment Act 1993, as well as the renewed efforts to strictly implement the Equal Pay Act 1972 particularly as it affects women.

8. The Committee takes note of State party's programme to realign the system of education in the primary, secondary and tertiary levels aimed at increasing the participation rate of the youth, especially in vocational education and in industry skills training.

9. The Committee takes note with satisfaction of the repeal of the Labour Relations Act of 1987 which appeared to have been in conflict with article 8 of the Covenant. It also notes its appreciation of the fact that the age up to which education is compulsory has been raised to 16.

10. In relation to Maori and Pacific Islands people, the Committee notes the measures being taken by the State party to improve employment opportunities for Maori and Pacific Islands people, and to facilitate their full participation at all levels of the educational system.

C. Factors and difficulties impeding the implementation of the Covenant

11. The Committee notes with regret that the balance of payments situation and budgetary constrains have led the New Zealand Government to adopt restrictive economic and social policies, thereby affecting the realization of economic, social and cultural rights, particularly of the most vulnerable groups of society.

D. Principal subjects of concern

12. The Committee, while considering the adoption of a Bill of Rights as a positive development, expresses its concern that no reference is made to economic, social and cultural rights in the text of the Bill. The Committee notes that the Bill of Rights is in the form of an ordinary statute, and is therefore able to be overridden by other legislation at any time.

13. The Committee expresses its concern that recent extensive reforms in the social security and labour relations system may negatively affect the enjoyment of economic, social and cultural rights. In particular, the

Committee notes that reforms introduced by the Employment Contracts Act of 1991, raise questions of compatibility in relation to the rights recognized in articles 7 and 8 of the Covenant.

14. The Committee notes with concern that, despite relevant efforts by the Government, the Maori and Pacific Islands people continue to figure disproportionately in relation to unemployment, low salary levels, and poor educational and technical qualifications.

15. The Committee notes with regret that, according to the statement of the Representative of New Zealand, the State party does not keep statistical information as to the extent of malnutrition, hunger and homelessness in New Zealand, which various welfare groups have claimed to be significant.

E. Suggestions and recommendations

16. The Committee strongly recommends the reinforcement of the work of the Human Rights Commission in relation to economic, social and cultural rights. It should also ensure the translation of the Covenant into all of the principal languages spoken in the country, its widespread dissemination, and the reflection of its content in community educational activities.

17. The Committee encourages the Government of New Zealand to strengthen its efforts towards ensuring equity for Maori and Pacific Island people, especially in the access to education, training and employment.

18. The Committee urges the State party to carefully monitor the effects of unemployment and of the reduction in welfare services with respect to the realization of economic, social and cultural rights of the most vulnerable sectors of society and to take the necessary measures in order to diminish such negative effects.

19. The Committee recommends that consideration be given to a careful review by the State party of the impact of the Employment Contracts Act 1991 and related legislation, on the provisions set forth in articles 6, 7 and 8 of the Covenant and to the elimination of any conflicts identified by such a review.

20. The Committee expresses its hope that the State party will consider the possibility of ratifying ILO Conventions Nos. 87 (Freedom of Association and Protection of the Rights to Organize, 1948) and 98 (Right to Organize and Collective Bargaining, 1949).

21. The Committee urges the State party to collect and publish the statistics referred to in paragraph 14 and to provide that information to the Committee in its next periodic report. The Committee also requests in that context the provision of statistics of the school drop-out rates desegregated according to race.

22. The Committee expresses its hope that the State party will consider the possibility of withdrawing its reservations to the Covenant.

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